

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

JOSEPH MANTHA on behalf of himself
and others similarly situated,

Plaintiff,

v.

QUOTEWIZARD.COM, LLC

Defendant.

Case No. 1:19-cv-12235-LTS

JOINT STATUS REPORT PER ECFs 292, 297, 299, and 307

Pursuant to the Court’s June 28, 2022 Order [ECF No. 292], and more recently the December 28, 2022 Order [ECF No. 307], Plaintiff Joseph Mantha (“Mantha”) and Defendant QuoteWizard.com, LLC (“QuoteWizard”) (the “Parties”) file this Joint Status Report concerning the progress of discovery in the case and a proposed schedule for the completion of class discovery including depositions, expert disclosures and rebuttal reports, expert depositions, and class certification motion briefing.

QuoteWizard has produced a massive amount of data in the case. On September 16, 2022, QuoteWizard produced 8.9 GB of data. On October 7, 2022, QuoteWizard produced 2.53 GB of data. On October 11, 2022, QuoteWizard produced 9.83 GB of data. On October 17, 2022, QuoteWizard produced 122 GB of data. On November 8, 2023, Plaintiffs’ counsel then sent a meet and confer letter with questions on the content of QuoteWizard’s productions to which QuoteWizard agreed to respond. QuoteWizard anticipates a written response on the questions posed by Plaintiff’s counsel in the near term. If the parties cannot resolve these issues, they will petition the Court for assistance.

On November 9, 2022, in response to a production by Drips, LLC, the third-party subpoena respondent who sent the text messages at issue in this case, QuoteWizard made a supplemental production of 107 GB data. On November 11, 2022, QuoteWizard produced another 107 GB of data. On December 26, 2022, the Parties filed a Joint Status Report, advising the Court that they had agreed that QuoteWizard's production would be deemed timely and that QuoteWizard's affirmative defense production (including consent) would be completed by January 16, 2023.¹

On December 30, 2022, QuoteWizard made a supplemental production, followed by a production of 4.6 GB of data on January 13, 2023. Counsel for Plaintiff and Defendant have continued to discuss Plaintiff's questions regarding the data on January 11, and 17, and February 9 and 11, 2023.

In addition to discovery from QuoteWizard and Drips, Plaintiff has served 16 subpoenas in the case, including to telephone carriers seeking texting records.

Counsel for the parties have agreed to a 60-day extension to allow Plaintiff time to assess QuoteWizard's response regarding its production, for the production of further Drips records, and for QuoteWizard to then assess the production of additional records, if any, by Drips. The Parties propose to submit a further joint status report to include proposed dates for the remainder of

¹ Drips, LLC recently admitted to Plaintiff's counsel that its production of relevant text records is incomplete in that it failed to produce records evidencing multiple texts to the same number per day. For example, if a consumer received multiple QuoteWizard texts from Drips in a single date, Drips produced only one record of one text. Drips has agreed to produce a more complete set of text records and has informed Plaintiff's counsel that such a production is imminent. The parties have agreed that to the extent this supplemental production results in the production of phone numbers that were not previously produced, QuoteWizard will have an opportunity to produce consent evidence relating to such number. Consent discovery in QuoteWizard's possession as to all phone numbers contained in the text records previously produced by Drips has been completed.

discovery including depositions, to be followed by expert disclosures and rebuttal reports, expert depositions and class certification motion briefing and related briefing.

Dated: February 21, 2023

Respectfully submitted,
Joseph Mantha,
by his attorneys,

Respectfully submitted,
QuoteWizard.com, LLC,
By its attorneys,

/s/ Matthew P. McCue

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CERTIFICATE OF SERVICE

I, Matthew McCue does hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on this date.

Dated: February 21, 2023

/s/ Matthew P. McCue